

**SUBSTITUTE FOR
SENATE BILL NO. 955**

A bill to amend 1972 PA 222, entitled

"An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes,"

by amending sections 1, 1a, and 2 (MCL 28.291, 28.291a, and 28.292), section 1 as amended by 2012 PA 25, section 1a as amended by 2008 PA 31, and section 2 as amended by 2017 PA 31, and by adding section 2a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) A person who is a resident of this state may apply
2 to the department of state for an official state personal
3 identification card. Upon application, the applicant shall supply a
4 photographic identity document, a birth certificate or other
5 nonphotographic identity document, and other sufficient documents

1 as the secretary of state may require to verify the identity and
2 citizenship of the applicant. If an applicant for an official state
3 personal identification card is not a citizen of the United States,
4 the applicant shall supply a photographic identity document and
5 other sufficient documents to verify the identity of the applicant
6 and the applicant's legal presence in the United States under
7 subsection (5). The documents required under this subsection shall
8 include the applicant's full legal name, date of birth, address,
9 and residency and demonstrate that the applicant is a citizen of
10 the United States or is legally present in the United States. If
11 the applicant's full legal name differs from the name of the
12 applicant that appears on a document presented under this
13 subsection, the applicant shall present documents to verify his or
14 her current full legal name. An application for a state personal
15 identification card shall be made in a manner prescribed by the
16 secretary of state and shall contain the applicant's full legal
17 name, date of birth, residence address, height, sex, eye color,
18 signature, intent to be an organ donor, other information required
19 or permitted on the official state personal identification card
20 and, only to the extent to comply with federal law, the applicant's
21 ~~social security~~ **SOCIAL SECURITY** number. The applicant may provide a
22 mailing address if the applicant receives mail at an address
23 different from his or her residence address. **IF THE APPLICANT IS A**
24 **PARTICIPANT IN THE ADDRESS CONFIDENTIALITY PROGRAM UNDER THE**
25 **ADDRESS CONFIDENTIALITY PROGRAM ACT, HE OR SHE SHALL PROVIDE TO THE**
26 **SECRETARY OF STATE HIS OR HER PARTICIPATION CARD ISSUED UNDER THE**
27 **ADDRESS CONFIDENTIALITY PROGRAM ACT.**

1 (2) The secretary of state shall accept as 1 of the
2 identification documents required under subsection (1) an
3 identification card issued by the department of corrections to
4 prisoners who are placed on parole or released from a correctional
5 facility, containing the prisoner's legal name, photograph, and
6 other information identifying the prisoner as provided in section
7 37(4) of the corrections code of 1953, 1953 PA 232, MCL 791.237.

8 (3) The secretary of state shall have electronic access to
9 prisoner information maintained by the department of corrections
10 for the purpose of verifying the identity of a prisoner who applies
11 for an official state identification card under subsection (1).

12 (4) The secretary of state shall not issue an official state
13 personal identification card to a person who holds an operator's or
14 chauffeur's license issued under the Michigan vehicle code, 1949 PA
15 300, MCL 257.1 to 257.923, unless the license has been suspended,
16 revoked, or restricted.

17 (5) If the applicant is not a citizen of the United States,
18 the applicant shall provide, and the department shall verify,
19 documents demonstrating his or her legal presence in the United
20 States. Nothing in this act shall obligate or be construed to
21 obligate this state to comply with title II of the real ID act of
22 2005, Public Law 109-13. The secretary of state may adopt rules
23 under the administrative procedures act of 1969, 1969 PA 306, MCL
24 24.201 to 24.328, as are necessary for the administration of this
25 subsection. A determination by the secretary of state that an
26 applicant is not legally present in the United States may be
27 appealed under section 631 of the revised judicature act of 1961,

1 1961 PA 236, MCL 600.631.

2 (6) The secretary of state shall not disclose a ~~social~~
3 ~~security~~**SOCIAL SECURITY** number obtained under subsection (1) to
4 another person except for use for 1 or more of the following
5 purposes:

6 (a) Compliance with 49 USC 31301 to 31317 and regulations and
7 rules related to this act.

8 (b) To carry out the purposes of section 466(a) of the social
9 security act, 42 USC 666, in connection with matters relating to
10 paternity, child support, or overdue child support.

11 (c) With the department of community health, for comparison
12 with vital records maintained by the department of community health
13 under part 28 of the public health code, 1978 PA 368, MCL 333.2801
14 to 333.2899.

15 (d) As otherwise required by law.

16 (7) The secretary of state shall not display a person's ~~social~~
17 ~~security~~**SOCIAL SECURITY** number on the person's official state
18 personal identification card.

19 (8) A requirement under this section to include a ~~social~~
20 ~~security~~**SOCIAL SECURITY** number on an application does not apply to
21 an applicant who demonstrates he or she is exempt under law from
22 obtaining a ~~social security~~**SOCIAL SECURITY** number.

23 (9) The secretary of state, with the approval of the state
24 administrative board created under 1921 PA 2, MCL 17.1 to 17.3, may
25 enter into agreements with the United States government to verify
26 whether an applicant for an official state personal identification
27 card under this section who is not a citizen of the United States

1 is authorized under federal law to be present in the United States.

2 (10) The secretary of state shall not issue an official state
3 personal identification card to a person holding an official state
4 personal identification card issued by another state without
5 confirmation that the person is terminating or has terminated the
6 official state personal identification card issued by the other
7 state.

8 (11) The secretary of state shall do all of the following:

9 (a) Ensure the physical security of locations where official
10 state personal identification cards are produced and the security
11 of document materials and papers from which official state personal
12 identification cards are produced.

13 (b) Subject all persons authorized to manufacture or produce
14 official state personal identification cards and all persons who
15 have the ability to affect the identity information that appears on
16 official state personal identification cards to appropriate
17 security clearance requirements. The security requirements of this
18 subdivision and subdivision (a) may require that official state
19 personal identification cards be manufactured or produced in this
20 state.

21 (c) Provide fraudulent document recognition programs to
22 department of state employees engaged in the issuance of official
23 state personal identification cards.

24 Sec. 1a. As used in this act:

25 (a) "Highly restricted personal information" includes an
26 individual's photograph or image, ~~social security~~ **SOCIAL SECURITY**
27 number, digitized signature, and medical and disability information

1 and source documents presented by an applicant to obtain a personal
2 identification card under section 1. **HIGHLY RESTRICTED PERSONAL**
3 **INFORMATION ALSO INCLUDES THE CONFIDENTIAL ADDRESS OF AN INDIVIDUAL**
4 **ENROLLED IN THE ADDRESS CONFIDENTIALITY PROGRAM UNDER THE ADDRESS**
5 **CONFIDENTIALITY PROGRAM ACT. AS USED IN THIS SUBDIVISION,**
6 **"CONFIDENTIAL ADDRESS" MEANS THAT TERM AS DEFINED IN THE ADDRESS**
7 **CONFIDENTIALITY PROGRAM ACT.**

8 (b) "Personal information" means information that identifies
9 an individual, including the individual's photograph or image,
10 name, address (but not the 5-digit zip code), driver license
11 number, ~~social security~~ **SOCIAL SECURITY** number, telephone number,
12 digitized signature, and medical and disability information.

13 (c) "Residence address" means the place that is the settled
14 home or domicile at which a person legally resides, which meets the
15 definition of residence as defined in section 11 of the Michigan
16 election law, 1954 PA 116, MCL 168.11.

17 (d) "Resident" means every person who resides in this state
18 and establishes that he or she is legally present in the United
19 States. This definition applies to the provisions of this act only.

20 Sec. 2. (1) An official state personal identification card
21 must contain the following:

22 (a) An identification number permanently assigned to the
23 individual to whom the card is issued.

24 (b) ~~The~~ **EXCEPT AS PROVIDED IN SECTION 2A, THE** full legal name,
25 date of birth, sex, residence address, height, weight, eye color,
26 digital photographic image, signature of or verification and
27 certification by the applicant, as determined by the secretary of

1 state, and expiration date of the official state personal
2 identification card.

3 (c) An indication that the identification card contains 1 or
4 more of the following:

5 (i) The blood type of the individual.

6 (ii) Immunization data of the individual.

7 (iii) Medication data of the individual.

8 (iv) A statement that the individual is deaf.

9 (d) In the case of a holder of an official state personal
10 identification card who has indicated his or her wish to
11 participate in the anatomical gift donor registry under part 101 of
12 the public health code, 1978 PA 368, MCL 333.10101 to 333.10123, a
13 heart insignia on the front of the official state personal
14 identification card.

15 (e) If requested by an individual who is a veteran as that
16 term is defined in section 1 of 1965 PA 190, MCL 35.61, a
17 designation that the individual is a veteran. The designation shall
18 be in a style and format considered appropriate by the secretary of
19 state. The secretary of state shall require proof of discharge or
20 separation of service from the armed forces of this state, another
21 state, or the United States, and the nature of that discharge, for
22 the purposes of verifying an individual's status as a veteran under
23 this subdivision. The secretary of state shall consult with the
24 department of military and veterans affairs in determining the
25 proof that shall be required to identify an individual's status as
26 a veteran for the purposes of this subsection. The secretary of
27 state may provide the department of military and veterans affairs

1 and agencies of the counties of this state that provide veteran
2 services with information provided by an applicant under this
3 subsection for the purpose of veterans' benefits eligibility
4 referral.

5 (f) Physical security features designed to prevent tampering,
6 counterfeiting, or duplication of the official state personal
7 identification card for fraudulent purposes.

8 (2) In conjunction with the application for an official state
9 personal identification card, the secretary of state shall do all
10 of the following:

11 (a) Provide the applicant with all of the following:

12 (i) Information explaining the applicant's right to make an
13 anatomical gift in the event of death under part 101 of the public
14 health code, 1978 PA 368, MCL 333.10101 to 333.10123, and in
15 accordance with this section.

16 (ii) Information describing the donor registry program
17 maintained by Michigan's federally designated organ procurement
18 organization or its successor organization under section 10120 of
19 the public health code, 1978 PA 368, MCL 333.10120. The information
20 required under this subparagraph includes the address and telephone
21 number of Michigan's federally designated organ procurement
22 organization or its successor organization as described in section
23 10120 of the public health code, 1978 PA 368, MCL 333.10120.

24 (iii) Information giving the applicant the opportunity to have
25 his or her name placed on the registry described in subparagraph

26 (ii).

27 (b) Provide the applicant with the opportunity to specify on

1 his or her official state personal identification card that he or
2 she is willing to make an anatomical gift in the event of death
3 under part 101 of the public health code, 1978 PA 368, MCL
4 333.10101 to 333.10123, and in accordance with this section.

5 (c) Inform the applicant that, if he or she indicates to the
6 secretary of state under this section a willingness to have his or
7 her name placed on the donor registry described in subdivision
8 (a) (ii), the secretary of state will mark the applicant's record
9 for the donor registry.

10 (3) The secretary of state may fulfill the requirements of
11 subsection (2) by 1 or more of the following methods:

12 (a) Providing printed material enclosed with a mailed notice
13 for the issuance or renewal of an official state personal
14 identification card.

15 (b) Providing printed material to an applicant who personally
16 appears at a secretary of state branch office.

17 (c) Through electronic information transmittals for
18 applications processed by electronic means.

19 (4) The secretary of state shall prescribe the form of the
20 official state personal identification card. The secretary of state
21 shall designate a space on the official state personal
22 identification card where the applicant may place a sticker or
23 decal of a uniform size as the secretary may specify to indicate
24 that the cardholder carries a separate emergency medical
25 information card. The sticker or decal may be provided by any
26 person, hospital, school, medical group, or association interested
27 in assisting in implementing the emergency medical information

1 card, but must meet the specifications of the secretary of state.
2 The sticker or decal also may be used to indicate that the
3 cardholder has designated 1 or more patient advocates in accordance
4 with section 5506 of the estates and protected individuals code,
5 1998 PA 386, MCL 700.5506. The emergency medical information card,
6 carried separately by the cardholder, may contain the information
7 described in subsection (2)(c), information concerning the
8 cardholder's patient advocate designation, other emergency medical
9 information, or an indication as to where the cardholder has stored
10 or registered emergency medical information. An original official
11 state personal identification card or the renewal of an existing
12 official state personal identification card issued to an individual
13 less than 21 years of age must be portrait or vertical in form, and
14 an official state personal identification card issued to an
15 individual 21 years of age or over must be landscape or horizontal
16 in form. Except as otherwise required in this act, other
17 information required on the official state personal identification
18 card under this act may appear on the official state personal
19 identification card in a form prescribed by the secretary of state.

20 (5) The official state personal identification card must not
21 contain a fingerprint or finger image of the applicant.

22 (6) Except as provided in this subsection, the secretary of
23 state shall retain and use an individual's digital photographic
24 image and signature described in subsection (1)(b) only for
25 programs administered by the secretary of state as specifically
26 authorized by law. An individual's digital photographic image or
27 signature must only be used as follows:

1 (a) By a federal, state, or local governmental agency for a
2 law enforcement purpose authorized by law.

3 (b) By the secretary of state for a use specifically
4 authorized by law.

5 (c) For the secretary of state to forward to the department of
6 state police the images of individuals required to be registered
7 under the sex offenders registration act, 1994 PA 295, MCL 28.721
8 to 28.736, upon the department of state police providing the
9 secretary of state an updated list of those individuals.

10 (d) For the secretary of state to forward to the department of
11 state police a digitized photograph taken of the applicant for an
12 official state personal identification card for use as provided in
13 section 5c of 1927 PA 372, MCL 28.425c.

14 (e) As necessary to comply with a law of this state or the
15 United States.

16 (7) If an individual presents evidence of statutory blindness
17 as provided in 1978 PA 260, MCL 393.351 to 393.368, and is issued
18 or is the holder of an official state personal identification card,
19 the secretary of state shall mark the individual's official state
20 personal identification card in a manner that clearly indicates
21 that the cardholder is legally blind.

22 (8) The secretary of state shall maintain a record of an
23 individual who indicates a willingness to have his or her name
24 placed on the donor registry described in subsection (2)(a)(ii).
25 Information about an individual's indication of a willingness to
26 have his or her name placed on the donor registry that is obtained
27 by the secretary of state and forwarded under this section is

1 exempt from disclosure under section 13(1)(d) of the freedom of
2 information act, 1976 PA 442, MCL 15.243. As required in section
3 10120 of the public health code, 1978 PA 368, MCL 333.10120, the
4 secretary of state shall establish and maintain the donor registry
5 in a manner that complies with that section and that provides
6 electronic access, including, but not limited to, the transfer of
7 data to this state's federally designated organ procurement
8 organization or its successor organization, tissue banks, and eye
9 banks.

10 (9) An official state personal identification card may contain
11 an identifier for voter registration purposes.

12 (10) An official state personal identification card must
13 contain information appearing in electronic or machine readable
14 codes needed to conduct a transaction with the secretary of state.
15 The information must be limited to the information described in
16 subsection (1)(a) and (b) except for the person's digital
17 photographic image and signature or verification and certification,
18 state of issuance, and other information necessary for use with
19 electronic devices, machine readers, or automatic teller machines
20 and must not contain the individual's driving record or other
21 personal identifier. The official state personal identification
22 card must identify the encoded information.

23 (11) An official state personal identification card must be
24 issued only upon authorization of the secretary of state, and must
25 be manufactured in a manner to prohibit as nearly as possible the
26 ability to reproduce, alter, counterfeit, forge, or duplicate the
27 official state personal identification card without ready

1 detection.

2 (12) Except as otherwise provided in this act, an applicant
3 shall pay a fee of \$10.00 to the secretary of state for each
4 original or renewal official state personal identification card
5 issued. The department of treasury shall deposit the fees received
6 and collected under this section in the state treasury to the
7 credit of the general fund. The legislature shall appropriate the
8 fees credited to the general fund under this act to the secretary
9 of state for the administration of this act. Appropriations from
10 the Michigan transportation fund created under section 10 of 1951
11 PA 51, MCL 247.660, must not be used to compensate the secretary of
12 state for costs incurred and services performed under this section.

13 (13) ~~An~~ **EXCEPT AS PROVIDED IN SECTION 2A, AN** original or
14 renewal official state personal identification card expires on the
15 birthday of the individual to whom it is issued in the fourth year
16 following the date of issuance or on the date the individual is no
17 longer considered to be legally present in the United States under
18 section 1, whichever is earlier. The secretary of state shall not
19 issue an official state personal identification card under this act
20 for a period greater than 4 years. Except as provided in this
21 subsection, the secretary of state may issue a renewal official
22 state personal identification card for 1 additional 4-year period
23 by mail or by other methods prescribed by the secretary of state.
24 The secretary of state shall require renewal in person by an
25 individual required under section 5a of the sex offenders
26 registration act, 1994 PA 295, MCL 28.725a, to maintain a valid
27 operator's or chauffeur's license or official state personal

1 identification card.

2 (14) The secretary of state shall waive the fee under this
3 section if the applicant is any of the following:

4 (a) An individual 65 years of age or older.

5 (b) An individual who has had his or her operator's or
6 chauffeur's license suspended, revoked, or denied under the
7 Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, because
8 of a mental or physical infirmity or disability.

9 (c) An individual who presents evidence of statutory blindness
10 as provided in 1978 PA 260, MCL 393.351 to 393.368.

11 (d) An individual who presents other good cause for a fee
12 waiver.

13 (e) An individual who decides to add or remove a heart
14 insignia described in subsection (1)(d).

15 (15) An individual who has been issued an official state
16 personal identification card shall apply for a renewal official
17 state personal identification card if the individual changes his or
18 her name.

19 (16) An individual who has been issued an official state
20 personal identification card shall apply for a corrected
21 identification card if he or she changes his or her residence
22 address. The secretary of state may correct the address on an
23 official state personal identification card by a method prescribed
24 by the secretary of state. A fee must not be charged for a change
25 of residence address.

26 (17) An individual who has been issued an official state
27 personal identification card may apply for a renewal official state

1 personal identification card for 1 or more of the following
2 reasons:

3 (a) The individual wants to change any information on the
4 official state personal identification card.

5 (b) An official state personal identification card issued
6 under this act is lost, destroyed, or mutilated, or becomes
7 illegible.

8 (18) An individual may indicate on an official state personal
9 identification card in a place designated by the secretary of state
10 his or her blood type, emergency contact information, immunization
11 data, medication data, or a statement that the individual is deaf.

12 (19) No later than January 1, 2017, the secretary of state
13 shall develop and shall, in conjunction with the department of
14 state police, implement a process using the L.E.I.N. or any other
15 appropriate system that limits access to law enforcement that
16 allows law enforcement agencies of this state to access emergency
17 contact information that the holder of an official state personal
18 identification card has voluntarily provided to the secretary of
19 state. As used in this subsection, "emergency contact information"
20 means the name, telephone number, or address of an individual that
21 is used for the sole purpose of contacting that individual when the
22 holder of an official state personal identification card has been
23 involved in an emergency.

24 (20) If an applicant provides proof to the secretary of state
25 that he or she is a minor who has been emancipated under 1968 PA
26 293, MCL 722.1 to 722.6, the official state personal identification
27 card must bear the designation of the individual's emancipated

1 status in a manner prescribed by the secretary of state.

2 (21) The secretary of state shall inquire of each individual
3 who applies for or who holds an official state personal
4 identification card, in person or by mail, whether he or she agrees
5 to participate in the anatomical gift donor registry under part 101
6 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10123.
7 An individual who has agreed to participate in the donor registry
8 is not considered to have revoked that agreement solely because the
9 individual's official state personal identification card has
10 expired. Enrollment in the donor registry is a legal agreement that
11 remains binding and in effect after the donor's death regardless of
12 the expressed desires of the deceased donor's next of kin who may
13 oppose the donor's anatomical gift.

14 (22) A valid official state personal identification card
15 presented by the individual to whom the card is issued is
16 considered the same as a valid state of Michigan driver license
17 when identification is requested except as otherwise specifically
18 provided by law.

19 **SEC. 2A. (1) BEGINNING ON FEBRUARY 16, 2021, UPON RECEIPT OF A**
20 **NOTICE FROM THE DEPARTMENT OF THE ATTORNEY GENERAL THAT AN**
21 **INDIVIDUAL WHO HAS BEEN ISSUED AN OFFICIAL STATE PERSONAL**
22 **IDENTIFICATION CARD UNDER THIS ACT HAS BEEN CERTIFIED AS A**
23 **PARTICIPANT IN THE ADDRESS CONFIDENTIALITY PROGRAM, THE SECRETARY**
24 **OF STATE SHALL ISSUE A CORRECTED OFFICIAL STATE PERSONAL**
25 **IDENTIFICATION CARD TO THAT INDIVIDUAL BY MAILING THE CARD TO HIS**
26 **OR HER DESIGNATED ADDRESS. THE OFFICIAL STATE PERSONAL**
27 **IDENTIFICATION CARD SHALL DISPLAY THE INDIVIDUAL'S DESIGNATED**

1 ADDRESS AND SHALL NOT DISPLAY THE INDIVIDUAL'S RESIDENCE ADDRESS.

2 (2) AN INDIVIDUAL WHO IS ISSUED A CORRECTED OFFICIAL STATE
3 PERSONAL IDENTIFICATION CARD UNDER THIS SECTION SHALL DESTROY HIS
4 OR HER OLD OFFICIAL STATE PERSONAL IDENTIFICATION CARD AND REPLACE
5 IT WITH THE CORRECTED OFFICIAL STATE PERSONAL IDENTIFICATION CARD.

6 (3) AN INDIVIDUAL WHOSE CERTIFICATION AS A PARTICIPANT IN THE
7 ADDRESS CONFIDENTIALITY PROGRAM IS RENEWED UNDER THE ADDRESS
8 CONFIDENTIALITY PROGRAM ACT MAY RENEW AN OFFICIAL STATE PERSONAL
9 IDENTIFICATION CARD ISSUED UNDER THIS SECTION UPON PAYMENT OF THE
10 RENEWAL FEE UNDER SECTION 292.

11 (4) AS USED IN THIS SECTION:

12 (A) "ADDRESS CONFIDENTIALITY PROGRAM" MEANS A PROGRAM AS THAT
13 TERM IS DEFINED IN THE ADDRESS CONFIDENTIALITY PROGRAM ACT.

14 (B) "DESIGNATED ADDRESS" MEANS THAT TERM AS DEFINED IN THE
15 ADDRESS CONFIDENTIALITY PROGRAM ACT.

16 Enacting section 1. This amendatory act takes effect 180 days
17 after the date it is enacted into law.

18 Enacting section 2. This amendatory act does not take effect
19 unless Senate Bill No. 655 of the 99th Legislature is enacted into
20 law.